

House Study Bill 169 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act related to absentee voting by tenants of assisted living
2 programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.8, subsection 3, paragraph a, Code
2 2011, is amended to read as follows:

3 a. When an application for an absentee ballot is received
4 by the commissioner of any county from a registered voter who
5 is a patient in a hospital in that county or a resident of any
6 facility or program in that county shown to be a health care
7 facility or assisted living program by the list of licenses or
8 certifications provided the commissioner under ~~section~~ sections
9 135C.29 and 231C.21, the absentee ballot shall be delivered
10 to the voter and returned to the commissioner in the manner
11 prescribed by section 53.22.

12 Sec. 2. Section 53.22, subsection 1, paragraph a,
13 subparagraphs (1) and (2), Code 2011, are amended to read as
14 follows:

15 (1) A registered voter who has applied for an absentee
16 ballot, in a manner other than that prescribed by section
17 53.10 or 53.11, and who is a resident or patient in a health
18 care facility or hospital or a tenant in an assisted living
19 program located in the county to which the application has been
20 submitted shall be delivered the appropriate absentee ballot
21 by two special precinct election officers, one of whom shall
22 be a member of each of the political parties referred to in
23 section 49.13, who shall be appointed by the commissioner from
24 the election board panel for the special precinct established
25 by section 53.20. The special precinct election officers
26 shall be sworn in the manner provided by section 49.75 for
27 election board members, shall receive compensation as provided
28 in section 49.20, and shall perform their duties during the ten
29 calendar days after the ballots are printed if the commissioner
30 so elects, during the fourteen calendar days preceding the
31 election, and on election day if all ballots requested under
32 section 53.8, subsection 3, have not previously been delivered
33 and returned.

34 (2) If materials are prepared for the two special precinct
35 election officials, a list shall be made of all voters to whom

1 ballots are to be delivered. The list shall be sent with the
2 officials who deliver the ballots and shall include spaces
3 to indicate whether the person was present at the hospital,
4 ~~or~~ health care facility, or assisted living program when the
5 officials arrived, whether the person requested assistance
6 from the officials, whether the person was assisted by another
7 person of the voter's choice, the time that the ballot was
8 returned to the officials, and any other notes the officials
9 deem necessary.

10 Sec. 3. Section 53.22, subsection 1, paragraph b, Code 2011,
11 is amended to read as follows:

12 b. If an applicant under this subsection notifies the
13 commissioner that the applicant will not be available at the
14 health care facility or hospital address or assisted living
15 program address at any time during the ten-day period after the
16 ballots are printed, if applicable, or during the fourteen-day
17 period immediately prior to the election, but will be available
18 there at some other time prior to the election or on election
19 day, the commissioner shall direct the two special precinct
20 election officers to deliver the applicant's ballot at an
21 appropriate time preceding the election or on election day. If
22 a person who so requested an absentee ballot has been dismissed
23 from the health care facility or hospital or is no longer a
24 tenant at the assisted living program, the special precinct
25 election officers may take the ballot to the voter if the voter
26 is currently residing in the county.

27 Sec. 4. Section 53.22, subsections 2 through 4, Code 2011,
28 are amended to read as follows:

29 2. Any registered voter who becomes a patient or resident
30 of a hospital or health care facility or a tenant of an
31 assisted living program in the county where the voter is
32 registered to vote within three days prior to the date of any
33 election or on election day may request an absentee ballot
34 during that period or on election day. As an alternative
35 to the application procedure prescribed by section 53.2, the

1 registered voter may make the request directly to the officers
2 who are delivering and returning absentee ballots under this
3 section. Alternatively, the request may be made by telephone
4 to the office of the commissioner not later than four hours
5 before the close of the polls. If the requester is found to be
6 a registered voter of that county, these officers shall deliver
7 the appropriate absentee ballot to the registered voter in the
8 manner prescribed by this section.

9 3. For any election except a primary or general election
10 or a special election to fill a vacancy under section 69.14,
11 the commissioner may, as an alternative to subsection 1, mail
12 an absentee ballot to an applicant under this section to be
13 voted and returned to the commissioner in accordance with
14 this chapter. This subsection only applies to applications
15 for absentee ballots from a single health care facility or
16 hospital or assisted living program if there are no more than
17 two applications from that facility or hospital or program.

18 4. The commissioner shall mail an absentee ballot to a
19 registered voter who has applied for an absentee ballot and who
20 is a patient or resident of a hospital or health care facility
21 or a tenant of an assisted living program outside the county in
22 which the voter is registered to vote.

23 Sec. 5. Section 53.22, subsection 5, paragraph a, Code 2011,
24 is amended to read as follows:

25 a. If the registered voter becomes a patient or resident of
26 a hospital or health care facility, or a tenant of an assisted
27 living program outside the county where the voter is registered
28 to vote within three days before the date of any election or
29 on election day, the voter may designate a person to deliver
30 and return the absentee ballot. The designee may be any person
31 the voter chooses except that no candidate for any office to be
32 voted upon for the election for which the ballot is requested
33 may deliver a ballot under this subsection. The request for
34 an absentee ballot may be made by telephone to the office of
35 the commissioner not later than four hours before the close of

1 the polls. If the requester is found to be a registered voter
2 of that county, the ballot shall be delivered by mail or by the
3 person designated by the voter. An application form shall be
4 included with the absentee ballot and shall be signed by the
5 voter and returned with the ballot.

6 Sec. 6. Section 53.22, subsection 6, Code 2011, is amended
7 to read as follows:

8 6. Observers representing candidates, political parties,
9 or nonparty political organizations, or observers who are
10 opponents or proponents of a ballot issue to be voted on at
11 the election are prohibited from being present at a hospital
12 or health care facility or assisted living program during the
13 time the special precinct election officers are delivering
14 absentee ballots to the residents of such hospital or health
15 care facility.

16 Sec. 7. NEW SECTION. 231C.21 Certification list to county
17 commissioner of elections.

18 To facilitate the implementation of section 53.8, subsection
19 3, and section 53.22, the director of the department of
20 inspections and appeals shall provide to each county
21 commissioner of elections at least annually a list of each
22 certified assisted living program in that county. The list
23 shall include the street address or location, and the mailing
24 address if it is other than the street address or location, of
25 each program.

26 EXPLANATION

27 This bill requires that the director of the department of
28 inspections and appeals provide to each county commissioner of
29 elections a list of certified assisted living programs within
30 that county. The director must provide this list to the county
31 commissioner at least annually. The list must contain certain
32 information.

33 The bill further requires that the county commissioner must
34 deliver an absentee ballot to a voter who is a tenant in an
35 assisted living program and who has requested such an absentee

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1 ballot.